

## CITY OF HOPEWELL

Hopewell, Virginia 23860

### AGENDA

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### CITY COUNCIL

Jackie M. Shornak, Mayor, Ward #7  
Jasmine E. Gore, Vice Mayor, Ward #4  
Christina J. Luman-Bailey, Ward #1  
Arlene Holloway, Councilor, Ward #2  
Anthony J. Zevgolis, Councilor, Ward #3  
Janice B. Denton, Councilor, Ward #5  
Brenda S. Pelham, Councilor, Ward #6

Mark A. Haley, City Manager  
Stefan M. Calos, City Attorney  
Ross A. Kearney, III, City Clerk

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Date: February 14, 2017

MUNICIPAL BUILDING

TIME: Work Session 6:00 p.m.  
Closed Meeting 6:30 p.m.  
Regular Meeting 7:30 p.m.

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### OPEN MEETING

6:00 p.m. Call to order, roll call, and welcome to visitors

MOTION: To amend/adopt agenda.

### WORK SESSION

WS-1. Preparation/Discussion for three upcoming public hearings to amend sections of the Zoning Ordinance.

MOTION: To go into closed meeting for (I) discussion of performance or appointment of specific appointees of City Council (City Clerk, Board of Zoning Appeals, Hopewell Water Renewal Commission); (II) discussion or consideration of the acquisition of real property for a public purpose (eminent domain), where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and (III) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1) (3) and (7), respectively.

Roll Call

6:30 p.m.

### CLOSED MEETING

### RECONVENE OPEN MEETING

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): *WERE ONLY PUBLIC BUSINESS MATTERS (I) LAWFULLY EXEMPTED FROM OPEN-MEETING REQUIREMENTS AND (II) IDENTIFIED IN THE CLOSED-MEETING MOTION DISCUSSED IN CLOSED MEETING?*

## **REGULAR MEETING**

**7:30 p.m.** Call to order, roll call, and welcome to visitors

Prayer by Pastor Marcus Campbell of Abundant Life Church of Hopewell, followed by the Pledge of Allegiance to the Flag of the United States of America.

## **CONSENT AGENDA**

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

- C-1 **Minutes:** October 25, 2016 and January 24, 2017.
- C-2 **Pending List:** Will be emailed to Council & Available at the February 21, 2017 Work Session.
- C-3 **Routine Approval of Work Sessions:** City Council Work Session on February 21, 2017, EDA Joint Work Session; February 23, 2017, Joint Work Session with Hopewell School Board @ Hopewell High School Library 6:30 PM.
- C-4 **Personnel Change Report & Financial Report:** Personnel Report
- C-5 **Ordinances on Second & Final Reading:** None
- C-6 **Routine Grant Approval:** None
- C-7 **Public Hearing Announcement:** February 28, 2017 – Request to vacate a portion of right-of-way.
- C-8 **Information for Council Review:** None
- C-9 **Resolutions/Proclamations/Presentations:** None

## **COMMUNICATIONS FROM CITIZENS**

*Communications from Citizens – A Communications from Citizens period, limited in total time to 30 minutes, shall be part of the Order of Business at each regular Council meeting. **Each speaker** will be limited to **three (3) minutes**. No citizen will be permitted to speak on any item scheduled for consideration on the regular agenda of the meeting (see Council Rule 405).*

## **REGULAR BUSINESS**

### **Reports of City Manager:**

- R-1. City Event Announcements
- R-2. City Councilor to serve on the Urban Development Area (UDA) Committee per Grant Requirements.

**Reports of the City Attorney**

**Reports of the City Clerk:**

Accepting Talent Bank Resumes (TBR) for the Youth Commission, Architectural Review Board (ARB) (1) **Vacancy**, Crater District Area Agency on Aging (1) **Vacancy**, District 19 Community Service Board (2) **Vacancies**, Dock Commission (3) **Vacancies**, Downtown Design Review Committee (DDRC) (2) **Vacancies**, Recreation Commission (1) **Hopewell H.S. Senior Class Representative**, Social Services Advisory Board (2) **Vacancies**. Applications can be found at [www.hopewellva.gov](http://www.hopewellva.gov).

**Reports of City Council:**

**Committees**

**Individual Requests**

**Any Other Councilor**

**CITIZEN/COUNCILOR REQUESTS**

**OTHER COUNCIL COMMUNICATIONS**

**ADJOURNMENT**

# **Work Session**



## CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- ☐ Civic Engagement
- ☒ Culture & Recreation
- ☒ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☐ None (Does not apply)

**Order of Business:**

- ☐ Consent Agenda
- ☐ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☐ Regular Business
- ☐ Reports of Council Committees
- ☒ Work Session

**Action:**

- ☐ Approve and File
- ☐ Take Appropriate Action
- ☒ Receive & File (no motion required)
- ☐ Approve Ordinance 1<sup>st</sup> Reading
- ☐ Approve Ordinance 2<sup>nd</sup> Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:** Work Session to discuss three (3) upcoming public hearings

**ISSUE:** The City of Hopewell has initiated three (3) amendments to the Zoning Ordinance. It is important that City Council is informed of the details of the request prior to holding public hearing.

**RECOMMENDATION:** City Administration recommends City Council hold the work session and considers citizen comments at their meeting on March 7, 2017.

**TIMING:** The City cannot apply for Certified Local Government status until the Zoning Ordinance amendments are approved by City Council.

**BACKGROUND:** The City Council requested Development Staff and members of the Architectural Review Board and Downtown Design Review Committee apply to become a Certified Local Government (CLG). We have been working hard at this effort and will provide an overview of our progress. Most importantly, staff will explain two (2) amendments that must be made to the Zoning Ordinance, per the VA Department of Historic Resources, in order to be eligible for CLG status.

The City is initiating a zoning ordinance amendment to allow accessory structures that cannot be seen from the public right-of-way in the B-3 Zoning District with a Conditional Use Permit approved by City Council. Staff will provide an overview of this request.

**FISCAL IMPACT:** None at this time

**ENCLOSED DOCUMENTS:** Background information (staff reports, proposed amendments, and presentation)

**STAFF:** Tevya W. Griffin, Director, Department of Development  
Horace H. Wade, III, City Planner

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janie Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony J. Zevgolits, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jackie M. Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine E. Gore, Ward #4			



**Zoning Ordinance Amendment**  
**Article X. Highway Commercial District**  
**Section A. Accessory Structure**  
Applicant: City of Hopewell

Staff Report prepared for the Hopewell  
Commission  
Regular Meeting- January 5, 2017

*This report is prepared by the City of Hopewell Department of Development Staff to provide information to the Hopewell Planning Commission to assist them in making an informed decision on this matter.*

**I. PUBLIC HEARINGS**

Planning Commission	January 8, 2017	Recommended Approval
City Council	February 14, 2017	Work Session
City Council	March 7, 2017	Proposed Public Hearing

**II. EXECUTIVE SUMMARY**

The City of Hopewell is requesting a Zoning Ordinance Amendment to Article , Highway Commercial District (B-3), Section A, Use Regulations, to allow accessory structures to include metal carports as long as they are not visible from primary streets and any other conditions the Council of the City of Hopewell deems necessary.

**III. STAFF ANALYSIS**

On May 1, 2010 the City Council adopted an amendment to all business districts in the City, to include B-1, Downtown Central Business District, the B-2, Limited Commercial District, the B-3 District, Highway Commercial District and the B-4 District, Corridor Development District. By recommendation of the Planning Commission and Staff, uses were either removed from these districts or expanded.

The purpose of deleting accessory uses from the list of allowable uses was to improve the professional appearance of business establishments in the City. It was concluded that such uses were not compatible with business establishments and that owners should add square footage to their current structure in order to expand.

In accordance with Article I, Definitions of the Zoning Ordinance, an accessory use is defined as a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided on the same premises. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory building.

Accessory uses include sheds, carports, detached garages, pools, pool houses, and the like.

Additionally, on January 11, 2011, Article XVIII, Development Standards, Section 6, Architectural Treatment, subsection d. prohibited the construction of metal buildings within any business district without providing an acceptable façade where the structure is visible from any adjoining residential and business districts or any other public right-of-way. The section reads as follows:

“d. No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors that are representative of good architectural design but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development resulting in the depreciation of property values. No portion of a building constructed of cinder block or corrugated and/or sheet metal that is not completely covered with an acceptable façade shall be visible from any adjoining residential and business districts or any public right-of-way. Further, buildings shall be designed with harmonious proportions and shall not have monotonous facades or large bulky masses. Buildings shall possess architectural variety but shall be compatible with existing structures, especially nearby structures of historic interest. New or remodeled buildings shall be consistent with the overall cohesive character of the area in which they are situated as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or landscaping, all as may be more particularly described in any applicable adopted plans and guidelines. “

#### **IV. APPLICANT'S POSITION:**

In January 2015 the City received an application to amend the Zoning Ordinance to allow accessory structures in the B-2 District. The City has not processed a request since that time. In December 2016, a property owner filed a building permit to construct an accessory structure in the rear of a commercial building. Since this request was similar to the one received in 2015, the City is requesting the ordinance to be changed to allow for an accessory structure in the B-3 District if it cannot be seen from public right of way if a Conditional Use Permit is granted from the Council.

## V. ZONING ADMINISTRATOR'S ANALYSIS:

Allowing an accessory structure in the B-3 district through a Conditional Use Permit process allows the Planning Commission and City Council to review each request individually. It will allow denials or approval with conditions to be made in instances where the placement of an accessory structure would be detrimental to the character of the neighborhood.

## VI. STAFF RECOMMENDATION:

Staff recommends approval of the request to allow a metal carport in the B-3 District if it cannot be seen from the street, by a Conditional Use Permit. This will require a public hearing process that makes the approval or denial transparent. It requires adjacent property owner notification and can set criteria for design. Furthermore it does not leave the decision to Staff which in such cases can be viewed as subjective but opens the dialogue up to the public.

## VII. PROPOSED RESOLUTION:

### ORDINANCE 2017-XX

**An Ordinance amending and reenacting Article , Highway Commercial District Section A. Use Regulations of the Zoning Ordinance of the City of Hopewell**

### **Article Highway Commercial District (B-3)**

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said Zoning Ordinance shall remain unchanged and be in full force and effect.

#### Public Hearings:

Planning Commission:	<u>January 5, 2017</u>	<u>4-0</u>	<input checked="" type="checkbox"/> approved
	Date	Vote	<input type="checkbox"/> disapproved
City Council:	1 <sup>st</sup> Reading	<u>                    </u>	<input type="checkbox"/> approved
	Date	Vote	<input type="checkbox"/> disapproved
	2 <sup>nd</sup> Reading	<u>                    </u>	<input type="checkbox"/> approved
	Date	Vote	<input type="checkbox"/> disapproved



Attachments:

1. Current B-3 Zoning District Provisions

**Article XI**  
**Highway Commercial District (B-3)**

**STATEMENT OF INTENT**

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor, and noise associated with manufacturing. This includes such uses as retail stores, banks, business offices, drive-in restaurants and automobile sales and service facilities.

**A. USE REGULATIONS**

Structures to be erected and land to be used shall be for the following uses:

1. Accounting and tax preparation services.
2. Apartments, on the second and subsequent floors of commercial/office use, provided that each unit contains at least six hundred (600) gross square feet.
3. Appliance sale and repair.
4. Assisted living facility.
5. Automobile and truck sales and service establishments, and rental agencies, provided that vehicles lifts and pits, dismantled and wrecked automobiles and all parts and supplies be located within a building enclosed on all sides and provided that all service and repair of motor vehicles be conducted in a building enclosed on all sides.
6. Automotive parts stores.
7. Bakery.
8. Barber shops and beauty parlors.
9. Bookstores, except Adult bookstores.
10. Building supplies and service with storage under cover.
11. Car washes.
12. Catering and prepared foods.
13. Casual and formal wear stores.
14. Churches.
15. Cigarette, cigar and tobacco retail distributor.
16. Clubs and lodges with a Special Exception\* issued by the Board of Zoning Appeals.

17. Commercial banks and financial institutions, not to include check cashing or payday loan establishments.
18. Compounding, assembly or treatment of woods and cabinet making with a Special Exception issued by the Board of Zoning Appeals.
19. Contractors' establishments and display rooms, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.
20. Convenience stores, with gasoline.
21. Convenience stores, without gasoline.
22. Craft Beer/Tap Room.
23. Day nurseries and child care centers.
24. Delicatessen.
25. Driver's education establishment.
26. Fire stations and rescue squads.
27. Fitness center or gym.
28. Florist.
29. Funeral homes.
30. Furniture store.
31. Grocery store.
32. Hardware and feed store.
33. Hospitals.
34. Hotels and motels.
35. Ice cream parlor.
36. Institutions of higher learning.
37. Insurance agency.
38. Laundry and dry cleaning.
39. Libraries.
40. Machinery rental, sales, and service provided that service is conducted in a completely enclosed building; unless a Conditional Use Permit is issued by City Council.
41. Medical and dental offices.
42. Microbrewery/Restaurant.
43. Municipal and private utilities.
44. Museums and art galleries.

45. Newspaper office buildings, including printing and publishing facilities incidental to such uses.
46. Night clubs and dance halls.
47. Nursing homes.
48. Off-street parking as required in Article XVIII of this ordinance.
49. Office and business supply store.
50. Parking garages and parking lots.
51. Pawn shop, with a Conditional Use Permit issued by City Council.
52. Pest control and extermination services.
53. Pet shops and supplies, excluding boarding kennels.
54. Pharmacy.
55. Philanthropic and charitable institutions.
56. Plant nurseries and greenhouses.
57. Radio or television broadcasting stations, studios, or offices.
58. Repair services or businesses provided that all repairs take place within a completely enclosed building.
59. Restaurants.
60. Real Estate Agency.
61. Sports facilities, indoors.
62. Sports facilities, outdoors, with a Conditional Use Permit issued by City Council.
63. Sporting goods and hunting supply stores.
64. Schools, special.
65. Self-Service Storage Facility, with Conditional Use Permit.

The following conditions shall apply to all self-storage facilities:

- a. All operations, activities and storage shall be conducted within a completely enclosed building;
- b. The leasing office must have a brick façade;
- c. Commercial activities being run in and out of storage units shall be prohibited;
- d. Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited;
- e. Self-service storage facilities may not be located on land abutting a residential district or use;

- f. Storage of boats, recreational vehicles, and motor vehicles shall be prohibited;  
and
  - g. All building façades abutting public right-of-ways shall have a brick façade.
- 66. Tailor and seamstress.
  - 67. Tattoo Parlors and Body Piercing Establishments, with a Conditional Use Permit issued by City Council.
  - 68. Telecommunications towers or antenna for wireless transmission above the frequency of 20,000 Hertz (hz), with a Conditional Use Permit issued by City Council.
  - 69. Theaters, motion picture theaters and assembly halls but excluding drive-ins.
  - 70. Veterinary hospitals.
  - 71. Video rental stores, not to include adult video establishments.
  - 72. Wholesale businesses.

#### **B. AREA REGULATIONS**

- 1. For each main building containing or intended to contain one or more permitted uses, there shall be a minimum lot area of five thousand (5,000) square feet.
- 2. For each apartment on the second or subsequent floors of a commercial/office use, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit. This is not in addition to the five thousand (5,000) square foot minimum lot area required above.

#### **C. LOT WIDTH REGULATIONS**

The minimum lot width for all permitted uses and uses requiring a conditional use permit shall be fifty (50) feet.

#### **D. SETBACK REGULATIONS**

Structures shall be located forty (40) feet from any street or highway or from any street or highway right-of-way; except that if there are two abutting lots with structures on each, then no building shall be set back more than the average setback of the two. This shall be known as the "setback line".

#### **E. YARD REGULATIONS**

- 1. Side: Each main structure shall have at least one side yard of at least ten (10) feet; except that when such use abuts a residential district, there shall be a side yard of ten (10) feet.
- 2. Rear: Each main structure shall have a rear yard of at least twenty-five (25) feet.

#### **F. HEIGHT REGULATIONS**

Buildings may be erected up to forty-five (45) feet from grade except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antennae, radio aerials, and equipment penthouses are exempt from the provisions of this Section.

#### **G. SPECIAL PROVISION FOR CORNER LOTS**

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volume shall be deemed to be the front.
2. The side yard facing the side street shall be twenty (20) feet for both main ~~and accessory~~ buildings and trash receptacles.

#### **H. REQUIREMENTS FOR PERMITTED USES**

Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

# Hopewell City Council

## Work Session

- Certified Local Government
- Accessory Structures

# What is a Certified Local Government (CLG)

o The CLG program was created by the National Historic Preservation Act of 1966 (as amended in 1980). It establishes a partnership between local governments, the federal historic preservation program, and each state's State Historic Preservation Office (SHPO), which in the case of Virginia is the Department of Historic Resources (DHR).



# What is the goal of the CLG?

- o Promote viable communities through preservation;
- o Recognize and reward communities with sound local preservation programs;
- o Establish credentials of quality for local preservation programs.

# Benefits of becoming a CLG

- o assumes a formal role in the identification, evaluation, and protection of its heritage resources;
- o has the right to comment on the eligibility of resources nominated for listing in the National Register of Historic Places in its jurisdiction;
- o receives technical assistance from DHR and the National Park Service;
- o learns from each other CLGs by sharing experiences, concerns, solutions to problems;
- o can apply for matching grants for preservation programs from a 10% share of Virginia's annual federal appropriation;

## Benefits of becoming a CLG

- o gains free full access to DHR's GIS-based Data Sharing System (DSS), a \$500 value annually;
- o is eligible for stipends to selected preservation conferences and workshops;
- o is automatically considered for the DHR Cost Share Program funding for survey projects in which CLG grant funding is unavailable;
- o is granted the right to be a "consulting party" in a project requiring Section 106 review.

# Eligible Activities with CLG Grant Funds

- o for rehabilitation of buildings listed in the National Register of Historic Places that are publicly owned or are privately owned and selected through a local grant competition;
- o for drafting new or updated design guidelines;
- o for materials research on a rehabilitation project.
- o for surveys of architectural or archaeological resources;
- o for preparation of Preliminary Information Forms or National Register of Historic Places nominations for local heritage resources;

# Eligible Activities with CLG Grant Funds

- o for heritage stewardship planning projects such as drafting historic preservation plans, archaeological assessments, preservation components of comprehensive plans, or condition assessment reports;
- o for public education programs concerned with a heritage stewardship program;
- o for local review board or targeted audience training and education projects such as development of materials or programs, including training sessions and hands-on workshops;
- o for testing archaeological sites to determine their significance or for pure research, education, or mitigation (as the latter pertains to Section 106 requirements);

# Preparation

- o A local government must adopt a historic district ordinance that:
  - o (a) defines district boundaries,
  - o (b) establishes a review board,
  - o (c) identifies actions that must be reviewed and standards for review, and
  - o (d) in general provides for the protection of local historic resources.
- o The CLG's preservation commission or review board must administer its ordinance and work as an advocate for preservation in the locality.
- o The CLG must continue to survey its local heritage resources.
- o Identify and work to preserve buildings, neighborhoods, and archeological sites that are eligible to receive historic designation
- o The CLG must promote public participation in its local heritage stewardship program.
- o The CLG must annually report on the performance of its CLG responsibilities.

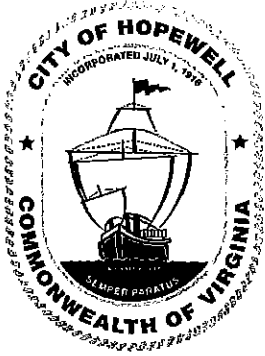
# Amend Zoning Ordinance

- o Requires public hearing of the Planning Commission and City Council.
- o Planning Commission held public hearing on February 4, 2017 meeting. Recommended unanimous approval of the amendments.
- o Amending – B-1 District (historic downtown) and TH-1 District (City Point)
- o Proposed amendments are required if CLG status is desired, per the State Historic Office (DHR)

# Amend Zoning Ordinance

- o Revisions have been provided by a representative from the VA Department of Historic Resources.
- o Most revisions deal with composition of ARB and DDRC.
- o Other revisions
  - o Issuance of Certificate of Appropriateness
  - o Violations
  - o Exclusions
  - o Protective Maintenance





**Zoning Ordinance Amendment  
Article IX Downtown Central Business  
District- Sections H, M, O, T and U  
Applicant: City of Hopewell**

Staff Report prepared for the Hopewell  
Commission  
Regular Meeting- January 5, 2017

*This report is prepared by the City of Hopewell Department of Development Staff to provide information to the Hopewell Planning Commission to assist them in making an informed decision on this matter.*

**I. PUBLIC HEARINGS**

Planning Commission	January 5, 2017	Recommended Approval
City Council	February 14, 2017	Work Session
City Council	March 7, 2017	Proposed Public Hearing

**II. EXECUTIVE SUMMARY**

A request submitted by the City of Hopewell to amend and reenact Article IX, Downtown Central Business District (B-1) of the City of Hopewell Zoning Ordinance, Section H. Architectural Treatment – Rehabilitation; Section M. Downtown Design Review Committee; Section O. Criteria for granting a Certificate of Appropriateness; T. Exclusion; and U. Protective Maintenance

**III. STAFF ANALYSIS**

The Hopewell City Council has asked the Department of Development to pursue the designation of a Certified Local Government (CLG). The CLG is a designation received by the Virginia Department of Historic Resources (DHR). In general, CLG status, identifies jurisdictions within the Commonwealth that meet certain criteria as it relates to historic preservation and that place emphasis on informing and educating the public of historic resources. See the detailed description of a CLG on the attached facts sheets.

Staff wrote to employees of DHR asking their review of our ordinances and handbook to determine what revisions, if any, needed to be made to be considered for CLG status. All changes were made to the handbook prior to adoption. The proposed changes to the Zoning Ordinance are being requested at this time and are included as an attachment to this staff report.

The document provided in the ordinance that was sent to DHR, with the amendments made by DHR Staff. All changes are required in order to be eligible to qualify for CLG status.

#### **IV. APPLICANT'S POSITION:**

CLG status would provide the Architectural Review Board and the Downtown Review Committee with technical support from historic preservation experts. CLG identifies Hopewell among an elite group of jurisdictions that believe the preservation of historic resources is important that special attention should be given to the economic benefits of historic tourism.

Staff can see no reasonable objections to pursuing this designation.

#### **V. ZONING ADMINISTRATOR'S ANALYSIS:**

See applications position above.

#### **VI. STAFF RECOMMENDATION:**

Staff recommends approval of the request to amend and reenact Article XIV-B, Tourist/Historic District (TH-1) of the City of Hopewell Zoning Ordinance, Section J. Architectural Review Board; Section M. Issuance of Certificate of Appropriateness; Section P. Violations; Section U. Exclusion; and Section X. Protective Maintenance. Furthermore it does not leave the decision to Staff which in such cases can be viewed as subjective but opens the dialogue up to the public.

#### **VII. PLANNING COMMISSION RECOMMENDATION**

1. The Hopewell Planning Commission makes a recommendation to City Council with a vote of \_\_\_ to \_\_\_ to approve, approve with conditions, or deny the request received by City of Hopewell to amend and reenact Article IX, Downtown Central Business District (B-1) of the City of Hopewell Zoning Ordinance, Section H. Architectural Treatment – Rehabilitation; Section M. Downtown Design Review Committee; Section O. Criteria for granting a Certificate of Appropriateness; T. Exclusion; and U. Protective Maintenance

## VIII. PROPOSED RESOLUTION:

### ORDINANCE 2017-XX

**An Ordinance amending and reenacting Article IX, Downtown Central Business District, Section H. Architectural Treatment – Rehabilitation; Section M. Downtown Design Review Committee; Section O. Criteria for granting a Certificate of Appropriateness; T. Exclusion; and U. Protective Maintenance**

**See attached**

#### Public Hearings:

Planning Commission:	<u>January 5, 2017</u>	<u>          </u>	<input type="checkbox"/> approved
	Date	Vote	<input type="checkbox"/> disapproved
City Council: 1 <sup>st</sup>			<input type="checkbox"/> approved
Reading	<u>          </u>	<u>          </u>	
	Date	Vote	<input type="checkbox"/> disapproved
2 <sup>nd</sup> Reading	<u>          </u>	<u>          </u>	<input type="checkbox"/> approved
	Date	Vote	<input type="checkbox"/> disapproved

#### Attachments:

1. Application for a Zoning Ordinance Amendment

- 2) I (WE) WISH TO PROPOSE THAT THE TEXT BE REVISED TO ACCOMPLISH THE FOLLOWING PURPOSES (S) AND/OR TO READ AS FOLLOWS: (ATTACH ADDITIONAL SHEETS IF NECESSARY)

Text amendment revision is attached and amended to provide clarity and simplification of the ordinance needed to protect the historic resource that is the Historic Downtown Central Business District.

- 3) PLEASE DEMONSTRATE HOW THE AMENDMENT WILL BE IN HARMONY WITH THE PURPOSE OF THE SPECIFIC DISTRICT IT WHICH IT WILL BE ADDED.  
The amendment of the zoning ordinance furthers the statement of

intent of the Downtown Central Business District (to retain the history with the preservation of historic structures and the replication of historic styles in additions and expansions.

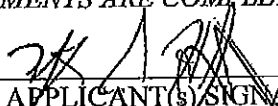
- 4) PLEASE GIVE THE REASON FOR FILING THE PROPOSED ZONING ORDINANCE AMENDMENT.

City Council has requested staff and the Architectural Review

Board to complete the application process to become a Certified

Local Government through the Virginia Department of Historic Resources

*AS OWNER OF PROPERTY IN THE CITY OF HOPEWELL OR THE AUTHORIZED AGENT THERFOR, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.*

  
APPLICANT(S) SIGNATURE

12-27-2016  
DATE

Mark A. Haley  
APPLICANT(S) PRINTED NAME

OFFICIAL USE ONLY

DATE RECEIVED: \_\_\_\_\_ DATE OF FINAL ACTION: \_\_\_\_\_

ACTION TAKEN:

\_\_\_\_\_☐ APPROVED \_\_\_\_\_☐ DENIED

\_\_\_\_\_☐ APPROVED WITH THE FOLLOWING CONDITIONS:

\_\_\_\_\_  
\_\_\_\_\_

## ORDINANCE 2017-XX

### **An Ordinance amending and reenacting Article IX-M, Downtown Design Review Committee, Section M., Downtown Design Review Committee, of the Zoning Ordinance of the City of Hopewell,**

#### **ARTICLE IX**

#### **DOWNTOWN CENTRAL BUSINESS DISTRICT (B-1)**

##### STATEMENT OF INTENT

The district is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. The district is intended to be a predominantly pedestrian area with shops and storefronts close to the road, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained by promoting cultural heritage, with the preservation of preserving historic structures, and keeping architectural character sensitive to the environment with new construction. ~~the replication of historic styles in additions and expansions.~~ The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, newspaper offices and restaurants.

##### A. USE REGULATIONS

Structures to be erected and land to be used shall be only for the following uses:

1. Accounting Services.
2. Advertising and Public Relations Agencies.
3. Antiques.
4. Apartments on the first floor of mixed-use buildings with a Conditional Use Permit.
5. Apartments on second and subsequent floors of commercial and office buildings/uses provided that each unit contain a minimum of nine hundred (900) gross square feet.
6. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below nine hundred (900) gross square feet, with a Conditional Use Permit.

7. Appliance Stores.
8. Architectural and Engineering Services.
9. Art Galleries, Framing and Supplies.
10. Bakeries.
11. Barber and Beauty Shops.
12. Bed and Breakfast Establishments.
13. Bookstores, except Adult bookstores.
14. Camera and Photo Supply Stores.
15. Casual and Formal Apparel Stores.
16. Child Care Services.
17. Churches.
18. Coffee Shops.
19. Commercial Banks and Financial Institutions, not to include check cashing establishments.
20. Computer Sales and Service.
21. Convenience Store.
22. Credit Unions.
23. Dance Studios.
24. Delicatessen.
25. Dry Cleaners.
26. Florist.
27. Gift, Stationary, and Card Shops.
28. Grocery Store.
29. Home Decorating Center and Interior Design Services.
30. Home Health Care Services.

31. Hotels.
32. Individual and Family Consulting Services.
33. Insurance Agencies.
34. Jewelry Stores.
35. Law Offices.
36. ~~Marinas, Public or Private.~~
37. Medical and Dental Offices.
38. Motion pictures theaters, excluding drive-in theaters
39. Multi-family dwellings, with Conditional Use Permit.
40. Municipal and Government Agencies and Offices.
41. Municipal and Private Utilities.
42. Museums.
43. Music Stores.
43. Offices, including business, professional and administrative.
44. Off-street parking is not required in this district.
45. Parking Decks and Garages, Public.
46. Performing Arts Center.
47. Pet Shops.
48. Pharmacy.
49. Philanthropic and charitable institutions.
50. Photographic Studios.
51. Post Office
52. Print Shops.
53. Public Libraries.
54. Public Open Spaces and Uses owned and operated by a governmental agency.

55. Real Estate Agencies.
56. Recreation and Fitness Centers.
57. Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
58. Restaurants
59. Security brokers and dealers.
60. Sporting goods.
61. Tailor Shops.
62. Tanning Salons.
63. Tax preparation services.
64. Title Abstract and Insurance Offices.
65. Townhouses, with Conditional Use Permit..
66. Toys, Games, and Crafts.
67. Upholstery shops.
68. Video Rental Stores, not to include adult video establishments.

**B. AREA REGULATIONS:**

1. Multi-family uses - For permitted multi-family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
2. Group housing for the elderly and handicapped - For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
3. Business uses - None.

**C. LOT WIDTH REGULATIONS:**

None.

**D. SETBACK REGULATIONS:**



None.

E. YARD REGULATIONS:

1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
2. Rear: None, except when a use is abutting a residential district, there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

Buildings may be erected up to one hundred twenty five (125) feet from grade, except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna, radio aerials, and equipment penthouses are exempt from the provisions of this section.

G. REQUIREMENTS FOR PERMITTED USES:

Before a building permit shall be issued or construction commenced on any permitted use in the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

H. ARCHITECTURAL TREATMENT – REHABILITATION:

- a. The rehabilitation of any existing structure within the National Register Historic Downtown District shall comply with the Secretary of Interior's Standards for Rehabilitation, ~~except to the extent specific deviations from such standards are expressly approved by the Downtown Design Review Committee (the "Review Committee") established under Article IX, M hereafter.~~
- b. The rehabilitation of any existing structure within the district that is not located within the National Register Historic Downtown District shall comply with Section I below.

I. ARCHITECTURAL TREATMENT – NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:

The following guidelines shall be considered by the Review Committee in approving or denying any application for a Certificate of Appropriateness or a building permit in addition to the criteria set forth in Article IX, O hereafter and the guidelines set forth in the Downtown Master Plan adopted by City Council on January 14, 2003.

1. New development shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the Downtown. The intent of

this is to insure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials found within the downtown and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan.

2. No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. No portion of a building constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
3. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety, but shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan.
4. Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the Review Committee. At locations where the existing buildings do not conform, the Review Committee may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

#### J. SIGNAGE:

1. Sign Placement.
  - a. Signs shall be placed so that they do not obstruct architectural elements and details that define the design of the building, and the signage of adjacent businesses.
  - b. Flat wall signs shall be located either above the storefront, within the frieze of the cornice, on covered transoms, or on the pier that frames display windows or

generally on flat, unadorned surfaces of the façade or in other areas clearly suitable as sign locations.

- c. Projecting signs shall be located at least ten (10) feet above the sidewalk, project no more than three (3) feet from the façade of the building, and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than ten (10) feet below such cornice line to the sidewalk.
- d. Window signs, both interior and exterior, shall be located approximately five and one-half (5 ½) feet above the sidewalk at the center point of the window and the window sign for good pedestrian visibility, except that such signs may be located eighteen (18) inches from the top or bottom of the display window glass.
- e. Window signs may be placed on the glazing of doors and on upper floor windows for separate building tenants.
- f. Awning and canopy signs shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1 ½) inches. The average height of lettering and symbols shall be no more than nine (9) inches.
- g. Freestanding signs shall not be permitted in this district.
- h. Roof signs shall not be permitted in this district.

## 2. Sign Size.

- a. All combined building signage shall not exceed fifty (50) square feet.
- b. Flat wall signs shall not exceed eighteen (18) inches in height and shall not extend more than six (6) inches from the building façade.
- c. Projecting signs shall be a maximum of six (6) square feet per sign face.
- d. The average height of letters and symbols shall be no more than twelve (12) inches on wall signs, nine (9) inches on awning and canopy signs, and six (6) inches on window signs.
- e. Window signs shall not obscure more than twenty percent (20%) of the window glass.

## 3. Quantity of Permanent Signs.

The number of signs permitted for any building shall be limited as follows to encourage compatibility with the building and discourage visual clutter.

- a. Signs shall be limited to two (2) total per building and each shall be of a different type. No building shall have more than one (1) wall sign on any street frontage.
- b. Small directory signs may be located near entries or inside a common lobby area.

#### 4. Sign Design and Shape.

- a. All signs shall be readable and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan.
- b. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building.

#### 5. Materials.

- a. Signs shall be made only of traditional sign materials such as wood, glass, gold leaf, raised individual metal or painted wood letters, or painted letters on wood, metal, or glass.
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall be painted or have flat decal letters and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

#### 6. Color.

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the Review Committee.

#### 7. Illumination.

Signs shall be indirectly lit with a shielded incandescent light source. Internally lit plastic molded signs shall not be permitted in the district.

#### 8. Buildings with Multiple Tenants.

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants shall be identified at each primary entrance by a flat, wall-mounted directory sign.

#### 9. Other Signs.

Wall murals shall be compatible with the district character and subject to approval of the Review Committee.

### K. AWNINGS AND CANOPIES:

#### 1. Types.

- a. Standard Slope Fabric Awnings may be used on most historic buildings and may be either fixed or retractable.
- b. Boxed or Curved Fabric Awnings may be used on non-historical buildings.

#### 2. Design and Placement.

- a. Awnings shall be placed within the storefront, porch, door or window openings so as to not obscure architectural elements of the building or damage the building façade.
- b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees or other streetscape features.
- c. Awnings shall be shaped to fit the opening in which they are installed.
- d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
- e. Plastic or Aluminum Awnings shall not be permitted in the district.
- f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors, wide and narrow stripes may be used if compatible with building colors.

### L. CERTIFICATION OF APPROPRIATENESS, GENERALLY:

- 1. No building or structure within the district shall be erected, reconstructed, altered, improved or restored unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
- 2. No building, structure, or area which has been designated as a historical building, structure, or area by the Virginia Historic Landmarks Commissioner, or by the Local, State or Federal government shall be demolished or removed, in whole or in part, unless

and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.

3. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Review Committee.
4. Application for a Certificate of Appropriateness required by the Article shall be made to the Director of Development or his designee.

M. DOWNTOWN DESIGN REVIEW COMMITTEE:

1. A review committee is hereby established and shall be known as the Downtown Design Review Committee, hereafter referred to as the "Review Committee." The membership of the Review Committee shall consist of no more or less than three (3) nor more than five (5) members who shall be appointed by City Council to serve staggered terms. Each member of the of the Review Committee must have a demonstrated interest, competence, or knowledge in historic preservation. At least one (1) member shall be an architect or an architectural historian, meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61, one (1) member shall be a downtown property owner, another member shall be a downtown business owner, and the remaining member or members shall ~~have knowledge of, and~~ demonstrated interest in, the historic character of the City, and knowledge or expertise deemed useful to the work of the Review Committee. These members may include, but not limited to, a licensed contractor, a real estate broker, or architect. City Council, at its own discretion, may appoint members that do not reside in the City of Hopewell if they deem it appropriate. The members shall serve a term of four (4) years. The City Planner shall serve as an advisory member of the Review Committee and shall have no vote. No member of the Review Committee shall serve more than two consecutive four (4) year terms. A member may be re-appointed to additional terms after being out of office for at least one four (4) year term.
2. The Review Committee shall elect from its own membership a chairman and a vice chairman who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the Review Committee. All members of the Review Committee, except for advisory members, shall be entitled to vote, and the decisions of the Review Committee shall be determined by a majority vote. A quorum shall be a majority of the membership. A quorum shall present for official business to be conducted at any meeting and for any action to be taken. The Review Committee shall meet monthly after notification by the Director of Development of an application for a Certificate of Appropriateness or permit requiring action by the Review Committee. The Review Committee shall take action on any matter properly before it no later than sixty (60) days after its first meeting to discuss such matter, unless the time

is extended with the written consent of the applicant. The Review Committee shall not reconsider any decision made by it, or entertain any application or request that it deems to be substantially similar to an application or request that has previously been denied, for a period of one (1) year from the date of denial, except in cases where an applicant resubmits his application amended as provided in this Article within ninety (90) days after the date of denial of the initial application.

4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the Review Committee shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the Review Committee.
5. In the case of disapproval or denial of an application for the demolition of a building in the district, the Review Committee shall state specifically its reasons for such disapproval or denial in writing.
6. The Review Committee, when requested for a building permit in the district, shall inform the applicant of any changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas as a condition of issuing such permit.
7. In matters governing the procedure for meetings not covered by this Article, the Review Committee may establish its own rules and procedures; provided they are not contrary to the content and intent of this Article.

#### N. NOTICE OF PUBLIC HEARING:

No application for a Certificate of Appropriateness to demolish a building or structure that exists in the district shall be considered by the Review Committee until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

#### O. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the district, the Review Committee shall consider:
  - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
  - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
  - c. The adherence to the Urban Design Guidelines set forth in the Downtown Master Plan that addresses building rhythm, building height, materials, and building character.
2. Before a Certificate of Appropriateness is issued for the demolition of a building or structure which exists in the district, the Review Committee shall consider:
  - a. Is the building or structure of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
  - b. Is the building or structure of such interest or significance that it could be made into a national, state or local historic landmark?
  - c. Is the building or structure of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
  - d. Would retention of the building or structure help preserve the historic character of the district?
  - e. Would retention of the building or structure help preserve a historic interest in a place or an area of the city?
  - f. Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?



3. The Review Committee shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

P. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the Review Committee of any erection, reconstruction, alteration, restoration or demolition, a Certificate of Appropriateness, signed by the committee chairman and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

Q. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any Certificate of Appropriateness issued pursuant to this Article shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced, or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article or by a court of competent jurisdiction, shall be excluded from the computation of the twelve (12) month period.

R. APPEALS FROM DOWNTOWN DESIGN REVIEW COMMITTEE:

Any applicant aggrieved by a final decision of the Review Committee shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the Review Committee has made its decision. The filing of the petition shall stay the Review Committee's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a complaint, setting forth the alleged illegality of the action of the governing body, provided such complaint is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said complaint shall stay the decision of the governing body pending the outcome of the appeal to the court except that the filing of such complaint shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. The filing of an appeal hereunder shall not operate as a de facto approval of any application disapproved or denied by the Review Committee.

#### S. VIOLATIONS:

Violators of the Downtown Central Business District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.

#### T. EXCLUSION:

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal officers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
3. For the purpose of this section, examples of work not requiring approval of the Downtown Design Review Committee are: repainting an existing window, door, porch, porch rail, etc.; replacing same type/color of shingles on a building.
4. For the purpose of this section, examples of work requiring approval of the Downtown Design Review Committee are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

#### U. PROTECTIVE MAINTENANCE:

1. All buildings and structures within the Downtown Central Business District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an "endangered structure":
  - a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
  - b. The deterioration of roofs or horizontal members;
  - c. The deterioration of exterior chimneys;

- d. The deterioration or crumbling of exterior plaster or mortar;
  - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
  - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review committee (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner's notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review committee shall be subject to the appeal in accordance with Section R of this Article.
  3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review committee for good cause shown.
  4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.
  5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.
  6. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.
-

- 2) I (WE) WISH TO PROPOSE THAT THE TEXT BE REVISED TO ACCOMPLISH THE FOLLOWING PURPOSES (S) AND/OR TO READ AS FOLLOWS: (ATTACH ADDITIONAL SHEETS IF NECESSARY)

Text amendment revision is attached and amended to provide clarity and simplification of the ordinance needed to protect the historic resource that is the City Point Historic District

- 3) PLEASE DEMONSTRATE HOW THE AMENDMENT WILL BE IN HARMONY WITH THE PURPOSE OF THE SPECIFIC DISTRICT IT WHICH IT WILL BE ADDED.

The amendment of the zoning ordinance furthers the statement of

intent of the Tourist/Historic District (to create an attractive

surrounding to tourist who are interested and also reflecting City Point's historic significance.

- 4) PLEASE GIVE THE REASON FOR FILING THE PROPOSED ZONING ORDINANCE AMENDMENT.

City Council has requested staff and the Architectural Review

Board to complete the application process to become a Certified

Local Government through the Virginia Department of Historic Resources

*AS OWNER OF PROPERTY IN THE CITY OF HOPEWELL OR THE AUTHORIZED AGENT THEREFOR, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.*

  
APPLICANT(S) SIGNATURE

12-27-2016  
DATE

MARK A. HALEY  
APPLICANT(S) PRINTED NAME

OFFICIAL USE ONLY

DATE RECEIVED: \_\_\_\_\_ DATE OF FINAL ACTION: \_\_\_\_\_

ACTION TAKEN:

\_\_\_\_\_☐ APPROVED \_\_\_\_\_☐ DENIED

\_\_\_\_\_☐ APPROVED WITH THE FOLLOWING CONDITIONS:

\_\_\_\_\_  
\_\_\_\_\_



**Zoning Ordinance Amendment  
Article XIV-B, Tourist Historic District  
District- Sections J, M, P, U, and X  
Applicant: City of Hopewell**

Staff Report prepared for the Hopewell  
Commission  
Regular Meeting- January 5, 2017

*This report is prepared by the City of Hopewell Department of Development Staff to provide information to the Hopewell Planning Commission to assist them in making an informed decision on this matter.*

**I. PUBLIC HEARINGS**

Planning Commission	January 5, 2017	Recommended Approval
City Council	February 14, 2017	Work Session
City Council	March 7, 2017	Proposed Public Hearing

**II. EXECUTIVE SUMMARY**

A request submitted by the City of Hopewell to amend and reenact Article XIV-B, Tourist Historic District, Section J. Architectural Review Board; Section M. Issuance of Certificate of Appropriateness; P. Violations; U. Exclusions; and X. Protective Maintenance.

**III. STAFF ANALYSIS**

The Hopewell City Council has asked the Department of Development to pursue the designation of a Certified Local Government (CLG). The CLG is a designation received by the Virginia Department of Historic Resources (DHR). In general, CLG status, identifies jurisdictions within the Commonwealth that meet certain criteria as it relates to historic preservation and that place emphasis on informing and educating the public of historic resources. See the detailed description of a CLG on the attached facts sheets.

Staff wrote to employees of DHR asking their review of our ordinances and handbook to determine what revisions, if any, needed to be made to be considered for CLG status. All changes were made to the handbook prior to adoption. The proposed changes to the Zoning Ordinance are being requested at this time and are included as an attachment to this staff report.

The document provided in the ordinance that was sent to DHR, with the amendments made by DHR Staff. All changes are required in order to be eligible to qualify for CLG status.

#### **IV. APPLICANT'S POSITION:**

CLG status would provide the Architectural Review Board and the Downtown Review Committee with technical support from historic preservation experts. CLG identifies Hopewell among an elite group of jurisdictions that believe the preservation of historic resources is important that special attention should be given to the economic benefits of historic tourism.

Staff can see no reasonable objections to pursuing this designation.

#### **V. ZONING ADMINISTRATOR'S ANALYSIS:**

See applications position above.

#### **VI. STAFF RECOMMENDATION:**

Staff recommends approval of the request to amend and reenact Article XIV-B, Tourist/Historic District (TH-1) of the City of Hopewell Zoning Ordinance, Section J. Architectural Review Board; Section M. Issuance of Certificate of Appropriateness; Section P. Violations; Section U. Exclusion; and Section X. Protective Maintenance. Furthermore it does not leave the decision to Staff which in such cases can be viewed as subjective but opens the dialogue up to the public.

#### **VII. PLANNING COMMISSION RECOMMENDATION**

1. The Hopewell Planning Commission makes a recommendation to City Council with a vote of \_\_\_ to \_\_\_ to approve, approve with conditions, or deny the request received by City of Hopewell to amend and reenact Article XIV-B, Tourist/Historic District (TH-1) of the City of Hopewell Zoning Ordinance, Section J. Architectural Review Board; Section M. Issuance of Certificate of Appropriateness; Section P. Violations; Section U. Exclusion; and Section X. Protective Maintenance.

**VIII. PROPOSED RESOLUTION:**

**ORDINANCE 2017-XX**

**An Ordinance amending and reenacting Article XIV-B, Tourist/Historic District (TH-1) of the City of Hopewell Zoning Ordinance, Section J. Architectural Review Board; Section M. Issuance of Certificate of Appropriateness; Section P. Violations; Section U. Exclusion; and Section X. Protective Maintenance.**

**See attached**

Public Hearings:

Planning Commission:	<u>January 5, 2017</u>	<u>4-0</u>	<input checked="" type="checkbox"/> approved
	Date	Vote	<input type="checkbox"/> disapproved
City Council:	1 <sup>st</sup>		<input type="checkbox"/> approved
Reading			
	<u>                    </u>	<u>                    </u>	<input type="checkbox"/> disapproved
	Date	Vote	<input type="checkbox"/> approved
2 <sup>nd</sup> Reading			<input type="checkbox"/> disapproved
	<u>                    </u>	<u>                    </u>	
	Date	Vote	

Attachments:

1. Application for a Zoning Ordinance Amendment

**Ordinance No. 2017-XX**

**An Ordinance amending and reenacting Article XIV-B, Tourist/Historic District, Section J., Architectural Review Board, of the Zoning Ordinance of the City of Hopewell**

**ARTICLE XIV-B.  
TOURIST/HISTORIC DISTRICT (TH-1)**

**STATEMENT OF INTENT**

The Tourist/Historic District is intended to create an attractive surrounding to tourist who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To the ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products.

For clarification and better understanding of this article, the following are offered:

\* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place."

**A. USE REGULATIONS**

In the TH-1 Tourist/Historic District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
  - a. Single family dwellings.
  - b. Public scenic parks and gardens.
  - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than fifteen (15) feet to any property line.
  - d. Off-street parking as required in Article XVIII of this ordinance.
  - e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XVIII (L) of this ordinance.



- f. Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.
- g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
- h. Municipal owned recreational facilities which enhance the historic nature of the district.

~~i. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.~~

2. Uses by Conditional Use Permit by City Council by Special Exception by the Board of Zoning Appeals, after review and recommendation by 1 Review Board.

- a. Dwelling units in non-commercial areas or any otherwise permitted use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
- b. Banks and financial institutions.
- c. Bed and Breakfast establishments.
- d. Museums and art galleries.
- e. Professional offices, as defined.
- f. Restaurants, excluding drive-in and fast food establishments.
- g. Retail stores and businesses which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
- h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
- i. Cottage industries which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

## B. AREA REGULATIONS

- 1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

## C. LOT WIDTH

- 1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

#### **D. SETBACK REGULATIONS**

1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

#### **E. YARD REGULATIONS**

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

#### **F. HEIGHT REGULATIONS**

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
  - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
  - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

#### **G. SPECIAL PROVISIONS FOR CORNER LOTS**

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

#### **H. REQUIREMENT FOR PERMITTED USES**

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Review Board before a building permit or business license shall be issued or construction commenced on any permitted use in this district.

## **I. CERTIFICATION OF APPROPRIATENESS, GENERALLY**

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.
3. Evidence of such required approval shall be a certificate of appropriateness issued by the Architectural Review Board.
4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.

## **J. ARCHITECTURAL REVIEW BOARD**

1. An Architectural Review Board is hereby established and shall be known as the Architectural Review Board, hereafter referred to as the review board. The review board membership shall consist of no less than five (5) ~~three (3)~~ nor more than seven (7) members who shall be appointed by City Council. Each member of the of the Review Board must have a demonstrated interest, competence, or knowledge in historic preservation. One (1) shall be a resident of the City Point Historic District, one (1) shall may be an registered architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. and the remainder shall be residents of the City of Hopewell with knowledge and demonstrated interest in the historic character of the city. These members shall serve a term of four (4) years. The City Planner ~~One (1) member of the city administration~~ shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)
2. The review board shall elect from its own membership a chairman and a vice chairman and secretary, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum shall be a majority of the membership. A quorum is required before the review board may take any official action. The review board shall meet

monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)

4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.
5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.
6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.

#### **K. NOTICE OF PUBLIC HEARING:**

No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

#### **L. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:**

1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
  - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in

the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.

- b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
    - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
    - b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?
    - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
    - d. Would retention of the building help preserve the historic character of the district?
    - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
    - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
  3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places or areas therein.

#### **M. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:**

Upon approval by the review board of any erection, reconstruction, alteration, restoration and/or rehabilitation, or demolition, a certificate of appropriateness, signed by the Zoning Administrator or his/her designee and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

#### **N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:**

Any certificate of appropriateness issued pursuant to this Article shall expire of its own

limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or ; if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any certificate of appropriateness issued pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.

"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

- 1) Necessary final approval by the Hopewell Building Official has been given (if required); and
- 2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
- 3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
- 4) Any work remaining on the project is minor or "punch list" in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

#### **O. APPEALS FROM ARCHITECTURAL REVIEW BOARD:**

Any applicant aggrieved by a final decision of the Architectural Review Board shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the review board has made its decision. The filing of the petition shall stay the review board's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

#### **P. VIOLATIONS**

1. Violators of the Tourist/Historic District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.

2. Policy established by the Architectural Review Board does differentiate between a minor and a major violation.
  - a. A minor violation means any action without the approval of the Board which would temporarily alter a structure whose effect could be reversed at a later date such as painting, fencing, ~~re-roofing~~, etc. Minor violations will be dealt with by sending the violating party a notice of violation which would include information on the tourist/historic district and the Architectural Review Board. Repeated minor violations (i.e. more than two separate instances in less than five years) will be treated as a major violation.
  - b. Major violation means any act taken without approval from the Board which would irreparably or permanently alter a structure or area, such as demolishing a structure, building a new structure or an addition to an existing structure, etc. Major violations will be dealt with in accordance with the provisions of the Zoning Ordinance and include the stoppage of work orders.

**Q. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:**

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

1. He has applied to the board of review for such right.
2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

**Property Valued At:**

Less Than \$25,000  
\$25,000 – \$39,999  
\$40,000 – \$54,999

**Minimum Offer to Sell Period:**

3 months  
4 months  
5 months

\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 – or more	12 months

#### **R. BONA FIDE OFFER TO SELL:**

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.
2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

#### **S. YARD VARIANCES:**

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard



requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

#### **T. PERMITTED USES:**

Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

#### **U. EXCLUSION:**

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal officers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
3. For the purpose of this section, examples of work not requiring approval of the Board of Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; ~~re-roofing a building with the same type/color of shingles; replacing same color asbestos shingles on a house now containing asbestos shingles.~~ replacing same type/color of shingles on a building.
4. For the purpose of this section, examples of work requiring approval of the Board of Architectural Review Board are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

#### **V. DEFINING HISTORIC BUILDINGS AND AREAS:**

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

#### **W. HISTORIC MARKERS:**

The review board shall design an appropriate marker, bearing the seal of the city and the

\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 – or more	12 months

#### **R. BONA FIDE OFFER TO SELL:**

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.
2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

#### **S. YARD VARIANCES:**

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard

requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

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Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

#### **U. EXCLUSION:**

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal officers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
3. For the purpose of this section, examples of work not requiring approval of the Board of Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; ~~re-roofing a building with the same type/color of shingles; replacing same color asbestos shingles on a house now containing asbestos shingles.~~ replacing same type/color of shingles on a building.
4. For the purpose of this section, examples of work requiring approval of the Board of Architectural Review Board are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

#### **V. DEFINING HISTORIC BUILDINGS AND AREAS:**

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

#### **W. HISTORIC MARKERS:**

The review board shall design an appropriate marker, bearing the seal of the city and the

words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

#### **X. PROTECTIVE MAINTENANCE:**

1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an "endangered structure":
  - a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
  - b. The deterioration of roofs or horizontal members;
  - c. The deterioration of exterior chimneys;
  - d. The deterioration or crumbling of exterior plaster or mortar;
  - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
  - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner's notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)
3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.
4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.

5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.
6. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.

# **CLOSED MEETING**

# **REGULAR BUSINESS**

# **CONSENT AGENDA**



# MINUTES

# DRAFT

## MINUTES OF THE CITY COUNCIL MEETING HELD OCTOBER 25, 2016

A regular meeting of the City Council of Hopewell, Virginia, was held Tuesday, October 25, 2016, at 6:30 p.m. in Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor  
Christina Luman-Bailey, Vice Mayor  
Arlene Holloway, Councilor  
Anthony Zevgolis, Councilor  
Jasmine Gore, Councilor  
Jackie Shornak, Councilor

Mark Haley, City Manager  
Stefan Calos, City Attorney  
Ronnieye Arrington, Acting City Clerk

ABSENT: Wayne Walton, Councilor

### ROLL CALL

Mayor Pelham opened the meeting at 6:33 p.m. Roll call was taken as follows:

Mayor Brenda S. Pelham	-	present
Vice-Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	absent
Councilor Shornak	-	present

**Motion** was made by Councilor Gore to amend the agenda by revising the order of issues to be heard in closed meeting. City Attorney Stefan Calos advised that no such motion was necessary as the order of the closed meeting items on the agenda was not necessarily the order in which they would be discussed.

Motion was made by Councilor Shornak and seconded by Councilor Zevgolis to adopt the agenda. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice-Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Shornak	-	yes

# DRAFT

## CLOSED MEETING

Motion was made by Councilor Shornak and seconded by Councilor Gore to go into closed meeting for (I) discussion of specific appointees of City Council (Hopewell Redevelopment & Housing Authority, Economic Development Authority, District 19 Community Services Board, City Clerk ); (II) discussion concerning the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position and negotiating strategy of City Council; (III) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation (Vireol/Green Plains), where such consultation or briefing in open meeting would adversely affect the negotiation or litigation posture of City Council; and (IV) consultation related thereto and other specific legal matters (including code enforcement) requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A)(1) (3) and (7), respectively. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice-Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Shornak	-	yes

## OPEN MEETING

The councilors came out of closed meeting at 7:45 p.m. and indicated that they intended to return to the Closed Meeting at the conclusion of the Open Meeting. Mayor Pelham opened the regular meeting at 7:51 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Shornak	-	present

## REGULAR MEETING

Prayer by Rev. April Weaver of First Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America.

# DRAFT

## CONSENT AGENDA

**Motion** was made by Councilor Holloway and seconded by Vice-Mayor Luman-Bailey to approve the Consent Agenda — Information for Council Review: Minutes of the 9-1-16 meeting of the School Board of the City of Hopewell; Governor McAuliffe Kicks off Commonwealth of Virginia Workplace Giving Campaign; minutes of the Water Renewal Commission 7-18-16 and 8-22-16 meetings; Resolutions: Move the 11-8-16 regular meeting from Election Day (11-8-16) to 11-9-16; Proclamation/Presentation: Condolence Proclamation for Herndon Smith; Proclamation for Domestic Violence Awareness Month; Proclamation for Rev. Dunbar at his retirement. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice-Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Shornak	-	yes

## PUBLIC HEARINGS - NONE

**COMMUNICATIONS FROM CITIZENS** – Thomas Gough spoke on the condition of sidewalks in downtown Hopewell. There were no other citizen communications.

## UNFINISHED BUSINESS - NONE

## REGULAR BUSINESS

### **R-1 PRESENTATION FROM FINANCE DIRECTOR REGARDING COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)**

**Presentation** was made by Jerry L. Whitaker, Finance Director, regarding the status of the CAFR, next steps to continue toward finalization, and response to questions from Council.

### **R-2 RECREATION AND PARKS APPROPRIATION OF AUCTION FUNDS**

**Presentation** was led by Aaron Reidmiller, Director of Recreation and Parks, with comments by Mark Haley, City Manager, and Charles Dane, Assistant City Manager, regarding the proposed appropriation of surplus property auction revenue.

**Motion** was made by Councilor Holloway and seconded by Vice Mayor Luman-Bailey to approve appropriation of \$8,875 in auction proceeds to the Recreation and Parks Department to be used towards operating expense related to maintenance and recreational programming. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice-Mayor Luman-Bailey	-	yes

# DRAFT

Councilor Holloway	-	yes
Councilor Zevgolts	-	yes
Councilor Gore	-	yes
Councilor Shornak	-	yes

## **R-3 CODE ENFORCEMENT PRESENTATION**

**Presentation** was led by Tevya Griffin, Director of Development and Lynn Underwood, Building Official, with comments by the City Manager regarding the Department of Development, current operations, future plans, status of addressing previous complaints, notice of the potential need for new staff, which will be addressed at a future meeting.

This presentation was for informational purposes only and required no action from Council. Councilors asked a variety of questions and requested that the questions be addressed before this matter came back before them.

## **R-4 PRESENTATION ON CITIZEN COMPLAINT PROCESS**

**Presentation** was made by the City Manager regarding the current process for handling complaints from citizens; e.g., how such complaints are received, forwarded and tracked. This presentation was for informational purposes only and required no action from Council.

**REPORTS OF THE CITY ATTORNEY:** NONE

**REPORTS OF THE CITY CLERK:** NONE

**REPORTS OF CITY COUNCIL:** NONE

**CITIZEN/COUNCILOR REQUESTS:**

CCR-1 Vice-Mayor Luman-Bailey said she wanted to move this item to the 11-9-16 agenda.

CCR-2 thru  
CCR-5 Councilor Shornak requested to move these to the 11-9-16 agenda.

CCR-6 Councilor Gore requested that Director Griffin provide a recommendation about creating a pilot program that would employ the homeless, re-entry youth and work release inmates to assist with beautification of the City. Ms. Griffin is to research request and advise Council at later meeting, including as to creation of task force.

# DRAFT

CCR-7 Councilor Gore requested revisions to the Rules of City Council, specifically Rules 302, 303 and 304. The City Attorney requested that suggested revisions be sent to Stefan Calos as he is in the process of revising the rules. Councilor Gore also requested that a motion be added at the end of CCRs so that council could vote on these items. Discussion ensued regarding if the rules allowed a motion. Assistant Manager Dane suggested adding an action request at the end of the CCR. Councilor Gore agreed that was a good compromise. Mayor Pelham, Councilor Zevgolis, Councilor Luman-Bailey and Councilor Gore agreed that this item should be placed on the next agenda so that it could be voted on. Stefan Calos remarked that, per the Rules, there was no need for further voting as Council was allowed to add an action line to the CCRs. Mayor Pelham requested that this format be used going forward, and that the rules be revised to show this change.

CCR-8 Councilor Gore requested that City Council appoint or identify two members to serve on an ad-hoc committee with two recently selected School Board members to finalize MOU and shared use recommendations for the Mallonee Gym renovation. Selected members shall be communicated to Dr. Hackney and School Board to immediately begin scheduling meetings. Council decided to move this item into the Closed Meeting for the 11-9-16 agenda.

City Manager noted that there was an Oleum leak at Honeywell, resulting in Route 10 being closed down. Mayor Pelham asked and the City Manager advised that were this a more serious emergency, citizens would be advised by Code Red, which is free to all citizens.

At 10:50 p.m. Council went back into Closed Meeting.

Council came out of Closed Meeting at 11:33 p.m. Councilors were asked if they complied with Virginia Code § 2.2-3712(D), namely, that only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion were discussed in closed meeting, to which they all responded yes.

## ADJOURN

At 11:33 p.m., Councilor Holloway made a **motion** to adjourn the meeting, which was seconded by Vice-Mayor Luman-Bailey, and unanimously passed.

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Brenda S. Pelham, Mayor

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Ronnieye Arrington, Acting City Clerk

**January 24, 2017  
Regular Meeting  
-DRAFT-**

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL .HELD JANUARY 24, 2017**

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, January 24, 2017, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Jackie M. Shornak, Mayor  
Jasmine E. Gore, Vice Mayor  
Christina J. Luman-Bailey, Councilor  
Arlene Holloway, Councilor  
Anthony J. Zevgolis, Councilor  
Janice B. Denton, Councilor  
Brenda S. Pelham, Councilor

Mark A. Haley, City Manager  
Stefan M. Calos, City Attorney  
Ross A. Kearney III, City Clerk

\*(Councilor Brenda S. Pelham arrived at 6:40 PM)

**ROLL CALL**

Mayor Shornak opened the meeting at 6:30 p.m. Roll call was taken as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
Councilor Shornak	-	absent (Arrived @ 6:40 p.m.)

**MOTION TO AMEND AGENDA**

A motion was made by Councilor Zevgolis, and seconded by Councilor Denton to amend the agenda to the following: Consent Agenda C-1 – Minutes, Councilor Denton will not vote on the approval of the 2016 minutes, C-7 – Public Hearing Announcements be removed, C-9 – Presentations – Hopewell/Prince George Chamber of Commerce presentation is moved to February 28, 2017, and was unanimously passed 6-0 on an Aye vote.

**Vote Result: 6-0 Agenda Amended and Adopted**

**CLOSED MEETING**

At 6:35 p.m. a motion was made by Vice Mayor Gore, and seconded by Councilor Luman-Bailey, to resolve to convene into closed meeting for (I) discussion of performance or appointment of specific appointees of City Council (City Manager, City Clerk, Economic Development Authority, Board of Zoning Appeals, Hopewell Redevelopment & Housing Authority, Recreation Commission - Student Appointee,

**January 24, 2017**  
**Regular Meeting**  
**-DRAFT-**

John Tyler Community College Board); (II) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating its facilities in the community; (III) consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation (Beacon v. JRF), where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of City Council; and (IV) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1), (5), and (7) (two items), respectively. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	absent
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 6-0 Yes**

**REGULAR MEETING**

Mayor Shornak opened the regular meeting at 7:30 p.m. Roll call was take as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

**PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Prayer by Pastor Joyce Harville of First Christian Church of Hopewell, followed by the Pledge of Allegiance to the Flag of the United States of America.

**AMEND AGENDA**

A motion was made by Councilor Zevgolis to add under Regular Business, R-3 – Set Joint meeting with the Hopewell School Board; R-4 --Virginia Municipal League City Council Vote on Filling two Board Vacancies and from the Consent Agenda remove C-5 – Ordinances on Second and Final Reading and move it to Regular Business R-5, and seconded by Councilor Pelham. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes



**January 24, 2017  
Regular Meeting  
-DRAFT-**

Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 Yes – Agenda Amended and Adopted**

**CONSENT AGENDA**

A motion was made by Councilor Pelham, and seconded by Councilor Luman-Bailey to adopt the amended consent agenda: Minutes: November 22, 2016 through January 10, 2017; Pending List: None  
Routine Approval of Work Sessions: Neighborhood Assistance and Planning Work Session regarding Certified Local Government; Personnel Change Report & Financial Report: Financial Report; Routine Grant Approval: None; Public Hearing Announcement: February 14, 2017 – Disposition of real property Information for Council Review: None; Resolutions/Proclamations/Presentations: None. Upon the roll call, the vote resulted:

Councilor Zevgolits	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 Amended Consent Agenda Adopted**

**PUBLIC HEARINGS**

**PH-1 - Request by HF Quail, LLC on behalf of Papi Naidu L.L.C. to amend Zoning Ordinance map to permit Planned Unit Development and to permit a Planned Unit Development on Lots 8, 9, 19, and 20 in Crossing North Subdivision, Section 3, Block C.**

This was the night advertised for a public hearing to consider to amend Zoning Ordinance map to permit Planned Unit Development and to permit a Planned Unit Development on Lots 8, 9, 19, and 20 in Crossing North Subdivision, Section 3, Block C..

Tevya Griffin, Director of Planning addressed Council. The Planning Commission recommended that the Zoning Ordinance map to permit Planned Unit Development and to permit a Planned Unit Development on Lots 8, 9, 19, and 20 in Crossing North Subdivision, Section 3, Block C be denied.

The public hearing was opened at 7:40 p.m. and the following speakers signed up to speak:

**Johnny Partin:** Was not in favor of this project and requested Council to deny.

**Debbie Randolph:** Was not in favor of this project and requested Council to deny.

**John Royster of Ft. Lee:** Ft. Lee was not in favor of this project and requested Council to deny.

**Jim Lupori:** Was not in favor of this project and requested Council to deny.

**Eric Jones:** Was not in favor of this project and requested Council to deny.

**January 24, 2017**  
**Regular Meeting**  
**-DRAFT-**

Mayor Shornak closed the public hearing at 8:140 p.m. and entertained motions to permit a planned unit development on Lots 8,9,19 and 20 in Crossing in North Subdivision. And there being no motions the said request died.

A motion was made by Councilor Denton, and seconded by Councilor Holloway to permit a planned unit development on Lots 8 and 9 in the Crossing North Subdivision, Section 3, Block C. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	no
Vice Mayor Gore	-	no
Councilor Denton	-	no
Councilor Pelham	-	no
Mayor Shornak	-	no
Councilor Luman-Bailey	-	no
Councilor Holloway	-	no

**Vote Result: 7-0 No/Denied**

A motion was made by Councilor Gore, and seconded by Councilor Denton to permit a planned unit development on Lots 19 and 20 in the Crossing North Subdivision, Section 3, Block C. Upon the roll call, the vote resulted

Councilor Zevgolis	-	no
Vice Mayor Gore	-	no
Councilor Denton	-	no
Councilor Pelham	-	no
Mayor Shornak	-	no
Councilor Luman-Bailey	-	no
Councilor Holloway	-	no

**Vote Result: 7-0 No/Denied**

**REGULAR BUSINESS**

**R-1. Regular Business – FY 2014-15 CAFR Update by Lance Wolff, Interim Finance Director**

Mr. Lance Wolff, Interim Finance Director addressed Council and informed them that all items relating to the 2015 CAFR will be addressed this week with the Auditing Firm, the cash on hand is in very good shape, payroll is also in good shape, revenues due to the City are in good shape, the long term debt is in good shape, the accounts payable are in good shape and the Inter Funds and Transfers are in good shape. The Fund Balance has numerous transactions that have no accountability or documentation therefore, he is working with the Clerk and other City Departments to rectify. The Pension Accounts are on hold for now and he and the City Manager hope to have the 2015 CAFR ready to present to Council on February 28, 2017.

**January 24, 2017  
Regular Meeting  
-DRAFT-**

Councilor Pelham asked if the supporting documents falls on the City Directors? Mr. Wolff said no.

Councilor Zevgolis asked what you are doing to find any missing records. Mr. Wolff said he is locating them through the City Clerk and the City Departments.

Vice Mayor Gore asked on who made the reports on the MUNIS Financial System? Mr. Wolff said the previous Finance Director. Vice Mayor Gore asked if the cash on hand for 2016 is completed and Mr. Wolff said yes and said that City Staff is undergoing more MUNIS Training.

Councilor Luman-Bailey asked if he or anyone else in the City Administration felt that a Forensic Audit was needed. Mr. Wolff said no.

Mayor Shornak asked if the reconciliation is completed for each month, Mr. Wolff said no. The Mayor and the City Manager then requested that all members of staff and the City Council to please not disturb the Finance Department until they have completed the 2015 CAFR. Also, the Mayor and Council stated that there would be no Budget Meetings until the CAFR is complete.

**R-2. – Regular Business - City Council Retreat Dates**

City Manager Mark Haley presented to Council that he had setup the dates for the Council Retreat and that it would be held at the Beacon. The dates of the retreat are March 17<sup>th</sup> and 18<sup>th</sup> and Ms. Tyler Sinclair would be here on March 8<sup>th</sup> to interview each Councilor before the retreat. Council agreed to the date and to the location

**R-3. – Regular Business – Joint Meeting with the School Board**

The Mayor instructed Council to provide the City Manager and City Clerk with available dates of when they could meet with the School Board and for the City Manager and City Clerk to provide the said dates to the School Board so they could schedule a joint meeting that accommodated everyone's schedule.

**R-4. – Regular Business - Virginia Municipal League City Council Vote on Filling two Board Vacancies**

Motion was made by Councilor Pelham, and seconded by Councilor Zevgolis, to approve and vote for Pat Woodbury, Councilmember, Newport News as VML President and Anita James Price, Vice Mayor, Roanoke as Vice President. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**January 24, 2017  
Regular Meeting  
-DRAFT-**

**Vote Result: 7-0 Approved**

**R-5. – Regular Business – Ordinance on Second and Final Reading – Adopt Rezoning Parcel 023-0230 from R-2 to B-3:**

A motion was made by Councilor Zevgolits, and seconded by Councilor Pelham to adopt rezoning parcel 023-0230 from R-2 to B-3. Upon the roll call, the vote resulted:

Councilor Zevgolits	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 Ordinance Adopted**

**CLOSED MEETING**

Council returned Closed Meeting for (I) discussion of performance or appointment of specific appointees of City Council (City Manager, City Clerk, Economic Development Authority, Board of Zoning Appeals, Hopewell Redevelopment & Housing Authority, Recreation Commission - Student Appointee, John Tyler Community College Board); (II) discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating its facilities in the community; (III) consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation (Beacon v. JRF), where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of City Council; and (IV) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1), (5), and (7) (two items), respectively

**OPEN SESSION**

**RECONVENE OPEN MEETING**

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): WERE ONLY PUBLIC BUSINESS MATTERS (I) LAWFULLY EXEMPTED FROM OPEN-MEETING REQUIREMENTS AND (II) IDENTIFIED IN THE CLOSED-MEETING MOTION DISCUSSED IN CLOSED MEETING?

Councilor Zevgolits	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**January 24, 2017  
Regular Meeting  
-DRAFT-**

**Vote Result: 7-0 YES**

**REPORTS OF THE CITY CLERK – BOARDS AND COMMISSIONS**

A motion was made by Councilor Pelham, and seconded by Councilor Zevgolis, to accept the resignation of Emily DeCarlo from the John Tyler Community College Board and Edward P. Henry from the Hopewell Redevelopment and Housing Authority. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 Resignations Accepted**

A motion was made by Councilor Denton, and seconded by Councilor Zevgolis, to appoint Stephen L. Pettler to the Economic Development Authority. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

A motion was made by Councilor Pelham, and seconded by Councilor Luman-Bailey, to appoint Gregory M. Cuffey, Jr., to the Recreation Committee as the Junior Hopewell High School representative and to appoint Ann Y. Williams to the John Tyler Community College Board. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 Mr. Cuffey, Jr. and Ms. Williams Appointed**

**MOTION TO EXTEND MEETING PASSED 10:30 PM**

**January 24, 2017  
Regular Meeting  
-DRAFT-**

A motion was made by Councilor Pelham, and seconded by Vice Mayor Gore, to extend the meeting past 10:30 PM. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 Yes Meeting Extended**

**MAYOR BOARDS & COMMISSIONS APPOINTMENTS**

A motion was made by Councilor Pelham, and seconded by Councilor Luman-Bailey to appoint the following to the Mayors Boards and Commissions for a term of two years:

**Community Development Block Grant** – Councilor Pelham, Councilor Luman-Bailey, Councilor Holloway and Mayor Shornak.

**Chamber of Commerce Liaison** – Councilor Denton

**Crater Planning District Commission** – Councilor Luman-Bailey, Councilor Zevgolis and City Manager Mark Haley.

**Finance Committee** – Councilor Holloway, Vice Mayor Gore and Finance Director Lance Wolff.

**Investment Policy Committee** – Councilor Pelham, Treasurer Terri Batton, Mark Haley, Lance Wolff and Commissioner of Revenue Debra Reason.

**MPO** – Councilor Pelham and Johnnie Butler

**Legislative Committee**: Mayor Shornak, Councilor Zevgolis, Mark Haley

**Riverside Community Corrections Board** – Mark Haley, Chief Keohane, Mary K. Martin, Esq. and Nat Troth.

**Virginia First Cities Coalition** – Councilor Zevgolis and Mark Haley

**Ethics Committee** – Councilor Denton and Councilor Zevgolis.

**City/School Board Liaisons** – Mayor Shornak and Vice Mayor Gore.

Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 7-0 All Member appointed to a two year term.**

**ADJOURN**

**January 24, 2017  
Regular Meeting  
-DRAFT-**

At 11:42 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Pelham. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Vice Mayor Gore	-	--- (left meeting at 11:05 PM)
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes

**Vote Result: 6-0 Meeting Adjourned**

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Jackie M. Shornak, Mayor

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Ross A. Kearney III, City Clerk

**ROUTINE  
APPROVAL  
OF WORK  
SESSIONS**



CITY OF HOPEWELL \* 300 N. MAIN ST. \* HOPEWELL, VA 23860

# **SPECIAL MEETING NOTICE**

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## **Hopewell City Council Special Meeting - Tuesday February 21, 2017 @ 6:30 PM**

The Hopewell City Council will hold a special meeting, in accordance with Rule 302 (Special Meetings) of the Rules of City Council, on Tuesday, February 7, 2017, at 6:30 PM, in the City Council Chambers, 300 N. Main Street, Hopewell, Virginia, for the purpose of a city council work session.

**COUNCIL CHAMBERS  
300 N MAIN STREET  
HOPEWELL, VA 23860**

Ross A. Kearney, III, City Clerk

Inquiries: 541-2249

CITY OF HOPEWELL

# **SPECIAL MEETING NOTICE**

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## **Hopewell City Council Special Meeting Notice Thursday- February 23, 2017 6:30 PM – Joint Work Session**

The Hopewell City Council will hold a special meeting, in accordance with Rule 302 (Special Meetings) of the Rules of City Council, on Thursday, February 23, 2017, at 6:30 PM, at the Hopewell High School library, 400 S. Mesa Drive, Hopewell, Virginia, for the purpose of a city budget work session with the Hopewell City School Board.

**Hopewell High School  
400 S. MESA DRIVE  
HOPEWELL, VA 23860**

Ross A. Kearney, III, City Clerk

Inquiries: 541-2249

# **PERSONNEL CHANGE REPORT**

# **PUBLIC HEARING ANNOUNCEMENTS**

### **PUBLIC NOTICE**

Hopewell City Council will conduct a public hearing at a meeting on Tuesday, February 28, 2017, at 7:30 p.m. in City Council Chambers in the Municipal Building, 300 North Main Street, Hopewell, Virginia 23860, for the purpose of receiving comments regarding the following requests to vacate a portion of right-of-way in accordance with Section 15.2-2006 of the Code of Virginia.

1. A request submitted by Beverly and Ernest Terretta and William Dodson to vacate the undeveloped portion of "Wise Street" adjacent to parcels: 081-0722, 081-0730, 081-0595, 081-0600, 081-0605, and 043-0390.

Information regarding the above referenced matters may be examined at the Department of Development, Room 321, Municipal Building, Hopewell, Virginia during normal business hours from 8:30 a.m. to 5:00 p.m., Monday through Friday. Additionally, information can be obtained by telephone at (804) 541-2220.

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER**

# **REGULAR BUSINESS**

**R-1**



## CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

- ☐ Civic Engagement
- ☒ Culture & Recreation
- ☐ Economic Development
- ☐ Education
- ☐ Housing
- ☐ Safe & Healthy Environment
- ☐ None (Does not apply)

**Order of Business:**

- ☐ Consent Agenda
- ☐ Public Hearing
- ☐ Presentation-Boards/Commissions
- ☐ Unfinished Business
- ☐ Citizen/Councilor Request
- ☒ Regular Business
- ☐ Reports of Council Committees

**Action:**

- ☐ Approve and File
- ☐ Take Appropriate Action
- ☒ Receive & File (no motion required)
- ☐ Approve Ordinance 1<sup>st</sup> Reading
- ☐ Approve Ordinance 2<sup>nd</sup> Reading
- ☐ Set a Public Hearing
- ☐ Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:** 2017 Special Events Report

**ISSUE:** City Manager Mark Haley will present information regarding special events planned throughout the remainder of the year.

**RECOMMENDATION:** N/A

**TIMING:** The report will be given at the February 14, 2017 meeting of City Council.

**BACKGROUND:** N/A

**FISCAL IMPACT:** None

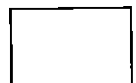
**ENCLOSED DOCUMENTS:** Special Events Calendar.

**STAFF:** Mark Haley, City Manager  
Charles Dane, Assistant City Manager  
Aaron Reidmiller, Director of Recreation and Parks

**SUMMARY:**

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda S. Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Christina J. Luman-Bailey, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony Zevgois, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine E. Gore, Ward #4
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Jackie Shomak, Ward #7







CITY OF HOPEWELL

# SPECIAL EVENTS CALENDAR

Date	Event Name	Location	Organization	Contact
<b>March</b>				
3	Petersburg Symphony Orchestra Concert	The Beacon Theatre	City of Hopewell	Herbert Bragg
18	Leprechaun Dash & St. Patrick's Day Celebration	City Point/Downtown	The Downtown Partnership	Evan Kaufman
<b>April</b>				
8	Hoppin' Happenings Easter Event	Atwater Soccer Complex	Recreation and Parks	Aaron Reidmiller
<b>May</b>				
7	Sunday Concert Series	Weston Manor	Historic Hopewell Foundation	Dave Harless
10	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
14	Sunday Concert Series	Weston Manor	Historic Hopewell Foundation	Dave Harless
21	Sunday Concert Series	Weston Manor	Historic Hopewell Foundation	Dave Harless
24	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
24	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
28	Sunday Concert Series	Weston Manor	Historic Hopewell Foundation	Dave Harless
31	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
<b>June</b>				
3	Hopewell Night with the Flying Squirrels	The Diamond	City of Hopewell	Jake Elder
4	Sunday Concert Series	Weston Manor	Historic Hopewell Foundation	Dave Harless
7	Lunch and Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
7	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
11	Sunday Concert Series	Weston Manor	Historic Hopewell Foundation	Dave Harless
14	Lunch and Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
17	Ride for the Warriors	American Legion	American Legion	Dave Harless
17	Wonder City Craft Beer Festival	Festival Park	City of Hopewell	Charlie Dane
21	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
21	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
24	Get Your Butts to Broadway	Downtown	The Downtown Partnership	Evan Kaufman
28	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
<b>July</b>				
1	Fourth of July Fireworks Celebration	Various	City of Hopewell	Charlie Dane
5	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
5	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
12	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
19	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
19	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
22	Reverse Raffle	Weston Manor	Historic Hopewell Foundation	Dave Harless
26	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
<b>August</b>				
2	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
2	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
9	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
16	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
16	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
23	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
30	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
30	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
<b>September</b>				
6	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
13	Lunch & Lecture Series	Library	Historic Hopewell Foundation	Dave Harless
13	Rockin' on the River Concert Series	Hopewell City Marina	Recreation and Parks	Evan Kaufman
<b>October</b>				
14	Hopewell Haunts Halloween Event	Crystal Lake Park	Recreation and Parks	Aaron Reidmiller
28	City Point 5k and Kids Fun Run	Community Center	Recreation and Parks	Aaron Reidmiller
<b>November</b>				
<b>December</b>				
2	Holiday Boat Parade	Hopewell City Marina	Recreation and Parks	Aaron Reidmiller
3	Light Up the Night (Parade/Tree Lighting)	Various	Recreation and Parks	Aaron Reidmiller

**R-2**

**CONSULTANT SUPPORT TO FACILITATE DESIGNATION OF URBAN DEVELOPMENT AREAS AND  
APPROPRIATE ORDINANCES**

This Agreement is made 14<sup>th</sup> this day of December in the year two thousand and sixteen, by and between the Commonwealth of Virginia, Office of Intermodal Planning and Investment, hereinafter called the Office, and the City of Hopewell, hereinafter called the City (County/City/Town).

WHEREAS, The goal of this initiative is to provide technical assistance in the form of direct on-call consultant support to assist local governments in one or more of the following: plan for and designate at least one urban/village development area in their comprehensive plan, revise as appropriate applicable land use ordinances (including appropriate zoning classifications and subdivision ordinances) to incorporate the principles of traditional neighborhood design (see § 15.2-2223.1 of the Code of Virginia), assist with public participation processes, and other related tasks.

WHEREAS, The City (County/City/Town) has expressed a need to utilize these consultant services for technical assistance to facilitate the designation of urban/village development areas for higher density compact mixed use development and revision to applicable land use ordinances.

WHEREAS, The Office has agreed to provide funding not to exceed \$ 65,000.00 for consultant services to provide technical assistance and the City (County/City/Town) has agreed to complete the following:

1. Analyze future growth patterns
2. Create a public involvement process
3. Adopt an amendment to the Comprehensive Plan to designate (or modify and update) at least one area as an urban/village development area, in accordance with §15.2-2223.1 of the Code of Virginia, to accommodate higher density compact mixed use development.
4. Adopt amendments to the zoning ordinance as necessary to create at least one district classification and the associated subdivision ordinance that will allow development according to the principles of traditional neighborhood design.

**THEREFORE:**

The City (County/City/Town) has, and will continue to work cooperatively with the Office on the above effort and make available to the Office copies of all associated timelines/schedules and shall provide to the Office all applicable documents related to this effort. The Office has begun the planning process via the planning consultant to initiate the use of these funds and shall continue such process, and the Office agrees to schedule the completion of all work related to these funds by October 1, 2017.

The City (County/City/Town) will provide a progress report on the work outlined above to the Office on a bi-monthly basis, to begin after the execution of this Agreement.

The progress report shall contain the status and expenditures for each of the tasks in the Scope of Work.

The City (County/City/Town) agrees to provide the Office a final summary of the use of these funds and an accomplishment report upon the completion of the project.

If the said urban/village development area is not adopted in the City's (County/City/Town) comprehensive plan within one year of study completion, and appropriate applicable land use ordinances (including appropriate zoning classifications and subdivision ordinances) not revised also within one year of study completion, the City (County/City/Town) agrees to repay the planning grant in full to the Office within one year of that deadline (i.e. within two years of study completion).

The Chief Administrative Officer for the City (County/City/Town) has reviewed this Agreement with the Chairmen of the Governing Body and the Planning Commission and received their support to participate in this Agreement.

The Governing Body and the Planning Commission shall each appoint one member of their respective group to serve on a planning grant steering committee to oversee the above effort.

EXECUTION: The parties have caused the Agreement to be duly executed intending to be bound thereby.

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City (County/City/Town) of Hopewell  
[Signature] Date: 12/14/2016

Commonwealth of Virginia

Office of Intermodal Planning and Investment

[Signature] Date: 1/30/17



**Department of  
Development**

300 North Main Street  
Hopewell, VA 23860  
p: (804) 541.2220  
f: (804) 541.2318

November 9, 2016

The Honorable City Council  
City of Hopewell  
300 N. Main Street  
Hopewell, VA 23860

**RE: Requests for Feasibility Study at Marina Park**

The Honorable City Council:

Thank you for approving the resolution submitted by the Planning Commission, entitled, "Advancement of Comprehensive Planning Initiatives", on August 23, 2016. As the resolution states, the Commission is charged by the Commonwealth of Virginia to prepare and recommend a Comprehensive Plan, and to aide in the development of a capital improvement program. While working on the Comprehensive Plan update, the Commission has recognized seven (7) Priority Planning Areas. Six of these areas were presented during your July 26, 2016 meeting.

The purpose of this letter is to specifically discuss Planning Area #6, Marina/Entrance Gateway District and to request your approval to allow us to immediately move forward with the preparation of a Small Area Plan. First, you must know that the Commission is encouraged as we see growing enthusiasm and movement in the redevelopment and investment in key areas in the City. However, we are equally concerned that the City must be strategic, futuristic and methodical when pursuing development opportunities, especially when it involves city owned prime waterfront property.

For this reason, in accordance with the resolution, we are requesting City Council approve and support funding for a small area plan in Planning Area #6. This plan would assess present and future market evaluations, gauge developer interest, and obtain detailed land use options for specific property; in this case - Marina Park. The study would also include a preliminary development cost estimate that would assist the City in assessing future real estate deal structure.

We anticipate the plan taking three to six months and would ask that no major development on city own property be authorized until the plan results are complete. The Commission would like to begin the study before the end of the current calendar year and have a recommended draft for Council review in

Spring, 2017. This could be undertaken as an extension of our current work on the Comprehensive Plan.

You may ask "why now?" We have two answers for this important question. This is one of the last parcels of city owned waterfront property; its location on the Route 10 gateway will forever make a statement about our great City. It is imperative that we get this right. Secondly, past plans have suggested high density mixed use development. Such a study has not been conducted in over two decades. We need to know now: (1) the optimal plan for a hotel/hotel conference center (or other mixed-use configuration) to be developed on the property, (2) how can we maximize the use of the property, and (3) the realistic level of City financial and in-kind participation in the development of the property.

Thank you for the opportunity to serve on the Planning Commission. It is a rewarding experience to work for the betterment of our residents and to help position the City for increased economic vitality.

Should you have any questions, please feel free to contact me or any other member of the Planning Commission to discuss our request. The Commission stands eager and ready to discuss our recommendation with City Council in the near future.

Sincerely,



Elliot T. Eliades  
Vice-Chairman  
Planning Commission

cc: Planning Commission Members  
Mark A. Haley, City Manager  
Ross Kearney III, City Clerk  
Tevya W. Griffin, Jr. Director of Development  
Horace H. Wade III, City Planner

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**Resolution of the Planning Commission to the Hopewell City Council  
Advancement of Comprehensive Planning Initiatives**



**Whereas**, based on the City Council's charge to the Planning Commission to prepare a Comprehensive Plan that will lead to the City's betterment and revitalization pursuant to the Code of Virginia, and

**Whereas**, § 15.2-2223 of the Code of Virginia establishes that the Planning Commission shall *"prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction;"* and

**Whereas**, § 15.2-2239 of the Code of Virginia establishes that the Planning Commission shall *"prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget....that is based on the Comprehensive Plan of the locality....as the basis for the capital budget of the locality;"* and

**Whereas**, The key recommendations of the draft 2016 Comprehensive Plan have identified six (6) Priority Planning areas in which the City controls properties, that if developed strategically, will allow the City to successfully pursue its Comprehensive Plan's vision for the future,

**Therefore**, it is resolved by the Planning Commission to respectfully seek the City Council's approval and funding support to initiate Small Area Plan studies for Priority Planning Areas 1, 3, 5, and 6 (as generally outlined on the accompanying maps) for the purpose of evaluating present and future market evaluations, developer interest, and detailed land use options for specific parcels that the Commission has identified in its comprehensive planning investigations over the past twelve months, and, further, allow the Commission a four to six month period to complete such studies; and

To seek the City Council's approval and funding support to begin work on an update to the City's zoning ordinance and subdivision ordinance for the purpose to provide for a more inviting and flexible land use regulations that reflect contemporary private sector land use trends and practices; and

To assume its proper role in succeeding years to fulfill its duties in the development of the City's capital improvement plan to ensure that the key initiatives of the Comprehensive Plan are considered and reflected in the adopted budget; and

To work with the City Council to define an optimal system of Development Review and Administration that better positions the Planning Commission in its responsibility to evaluate development projects and related land use proposals for their compatibility with the Comprehensive Plan.

Submitted on this date of August 23, 2016 by:

**The Planning Commission of the City of Hopewell, Virginia**

Reverend Rudy Dunbar, Chairman  
Mr. John Jones  
Mr. Elliot Eliades  
Mr. Todd Butterworth

The undersigned Clerk of the City Council of the City of Hopewell certifies the foregoing resolution was adopted by City Council on August 23, 2016

**WITNESS** my signature and the seal of the City of Hopewell, Virginia, this 23<sup>rd</sup> day of August 2016.

A handwritten signature in cursive script, reading "Ronnie Arrington".  
Ronnie Arrington, Acting City Clerk

**REPORTS  
OF THE  
CITY  
ATTORNEY**



# **REPORTS OF THE CITY CLERK**

# **REPORTS OF THE CITY COUNCIL**

- **COMMITTEES**
- **INDIVIDUAL REQUEST**
- **ANY OTHER COUNCILOR**

**CITIZEN/  
COUNCILOR  
REQUEST**

**ADJOURN**